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4. The allegations indicate that Respondent may have illegally diverted prescription medications for personal use by forging another physician's prescription form and submitting it to a CVS Pharmacy.

### INTERIM CONCLUSIONS OF LAW

(3) Practicing medicine while under the influence of alcohol, narcotic or hypnotic drugs or any substance that impairs or may impair the licensee's ability to safely and skillfully practice medicine.

(6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard.

(23) Prescribing controlled substances to members of one's immediate family unless there is no other physician available within fifty miles to treat a member of the family and an emergency exists.

(39) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

2. Based upon the foregoing Interim Findings of Fact and Interim Conclusions of Law the public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-1855 (C).

**ORDER**

Pursuant to the authority vested in the Board, and based upon the Interim Findings of Fact and Interim Conclusions of Law, **IT IS HEREBY ORDERED THAT:**

1. License No. 3941, issued to Stephen McKay, D.O. ("Respondent"), pursuant to A.R.S. § 32-1855 (C) and A.R.S. § 41-1092.11 (B), shall be **SUMMARILY SUSPENDED** from practicing Osteopathic medicine pending a formal hearing before the Board.

2. Service of this Order is effective upon either personal delivery or the date of mailing, by U.S. certified mail, addressed to Respondent's last known address of record with the board. See A.R.S. § 31-1855(F).



ISSUED THIS 19<sup>th</sup> DAY OF OCTOBER, 2007.  
STATE OF ARIZONA  
BOARD OF OSTEOPATHIC EXAMINERS IN  
MEDICINE AND SURGERY

By: \_\_\_\_\_  
Jack Confer, Executive Director

Original "Summary Suspension of License"  
filed this 19<sup>th</sup> day of October, 2007 with the:

Arizona Board of Osteopathic Examiners  
In Medicine and Surgery  
9535 East Doubletree Ranch Road  
Scottsdale AZ 85258-5539

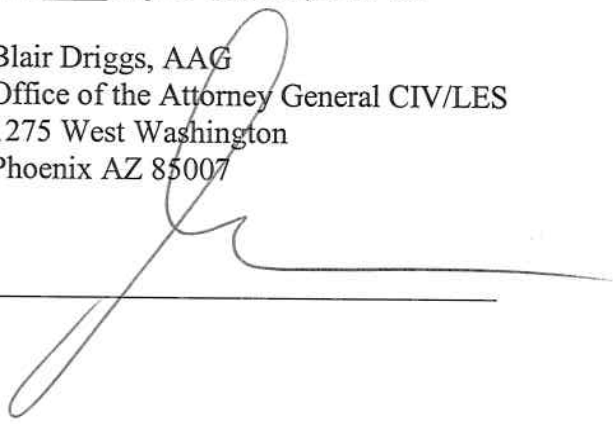
Copy of the foregoing "Summary  
Suspension of License" sent via certified, return receipt requested  
this \_\_\_\_ day of October, 2007 to:

Frederick M. Cummings, Esq.  
Attorney for Stephen McKay, D.O.  
Jennings, Strouss & Salmon, PLC  
201 East Washington Street, 11<sup>th</sup> Floor  
Phoenix, AZ 85004-2385

1 Stephen McKay, D.O.  
2 807 Country Club Drive  
3 Prescott, AZ 86303

4 Copies of the foregoing "Summary  
5 Suspension of License" sent via regular mail  
6 this 19<sup>th</sup> day of October, 2007 to:

7 Blair Driggs, AAG  
8 Office of the Attorney General CIV/LES  
9 1275 West Washington  
10 Phoenix AZ 85007



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